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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,834	10/20/2003	Axel Boettger	BOE01 026	2006
7590 08/17/2005			EXAMINER	
DUANE MORRIS LLP			LE, DANG D	
Suite 700			ART UNIT	
1667 K Street, N.W.			PAPER NUMBER	
Washington, DC 20006			2834	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,834

Applicant(s)

BOETTGER ET AL.

Examiner

Dang D. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 5/11/05 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 8, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Halm (EP 0357913).

Regarding claim 1, Halm shows an electric motor for a pump drive (Figure 5), comprising a stator (103) and a rotor (110) for driving a pump impeller (114), the stator being embedded in a plastic body (102) and the plastic body forming a chamber together with the stator in which the rotor is received, the chamber being closed at a first shaft end (left) of the rotor and the rotor being connected at the opposite second shaft end to the pump impeller (114, right), wherein the plastic body which surrounds the stator is an integral one piece molded body defining a first bearing seat (inner circumferential surface of 102) for receiving a first bearing (115) at the first shaft end (left) and a second bearing seat (inner circumferential surface of 102) for receiving a second bearing (112, 111) at the second shaft end (right) in an interior wall of said chamber.

Regarding claims 2, 4, 8, 11, and 16, it is noted that Halm also shows all of the limitations of the claimed invention including the cover (17, Figure 4), the accessible connection (218, 230, 232, Figure 10), and an electronic module (232).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halm in view of Berger (6,509,668).

Regarding claim 9, Halm shows all of the limitations of the claimed invention except for a coil flux guide connected to the shaft stub ends at both shaft ends.

Berger shows a coil flux guide (13) connected to the shaft stub ends at both shaft ends for the purpose of withstanding high temperatures.

Since Halm and Berger are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the other.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a coil flux guide connected to the shaft stub end both shaft ends as taught by Berger for the purpose discussed above.

7. Claims 10, 12-14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halm in view of Akutsu et al. (6,707,185).

Regarding claim 10, Halm shows all of the limitations of the claimed invention including the accessible connection (Figure 10, top) except for the phase windings

Akutsu et al. shows three phase windings for the purpose of making a three-phase motor.

Since Halm and Akutsu et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the other.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include three-phase windings as taught by Akutsu et al. for the purpose discussed above.

Regarding claim 12-14, 17, and 18, it is noted that Akutsu et al. also shows all of the limitations of the claimed invention including the electronic module (2) located outside the chamber of the stator (4), the connection element for each phase (11, 47), and the roller bearings (6, 7).

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halm in view of Turk (3,333,544).

Regarding claim 15, Halm shows all of the limitations of the claimed invention except for metal parts to shield the motor.

Turk shows the metal parts (22) to shield the motor for the purpose of reducing corrosion.

Since Halm and Turk are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the other.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the metal parts as taught by Turk for the purpose discussed above.

Information on How to Contact USPTO

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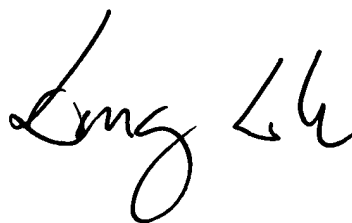
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027.

The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/30/05

A handwritten signature in black ink, appearing to read 'Dang Le', with a stylized, cursive script.

DANG LE
PRIMARY EXAMINER